

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL OLIVER,

Plaintiff,

CASE NO. 20-12711

HON. LAURIE J. MICHELSON

-vs-

CITY OF DETROIT, a municipal  
corporation, and DETECTIVE DONALD  
BUSSA, in his individual capacity,

Defendants.

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**DEFENDANTS CITY OF DETROIT AND DONALD BUSSA'S ANSWER  
TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

**NOW COME** Defendants CITY OF DETROIT, and DONALD BUSSA, by and through their counsel, and for their answer to Plaintiff's first amended complaint, state as follows:

**INTRODUCTORY STATEMENT**

1. Answering paragraph 1 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

2. Answering paragraph 2 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

3. Answering paragraph 3 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

4. Answering paragraph 4 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

5. Answering paragraph 5 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

6. Answering paragraph 6 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

7. Answering paragraph 7 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

8. Answering paragraph 8 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

9. Answering paragraph 9 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

10. Answering paragraph 10 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

### **JURISDICTION & VENUE**

11. Answering paragraph 11 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

12. Answering paragraph 12 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

13. Answering paragraph 13 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

### **PARTIES**

#### **Plaintiff**

14. Answering paragraph 14 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

#### **Defendants**

15. Answering paragraph 15 of plaintiff's complaint, defendants admit same.

16. Answering paragraph 16 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

### **FACTUAL ALLEGATIONS REGARDING FACIAL RECOGNITION TECHNOLOGY**

#### **The Many Flaws of Facial Recognition Systems**

17. Answering paragraph 17 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

18. Answering paragraph 18 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

19. Answering paragraph 19 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

20. Answering paragraph 20 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

21. Answering paragraph 21 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

22. Answering paragraph 22 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

23. Answering paragraph 23 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

24. Answering paragraph 24 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

25. Answering paragraph 25 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

**The accuracy of a facial recognition search depends heavily on the quality of the probe image.**

26. Answering paragraph 26 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

27. Answering paragraph 27 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

28. Answering paragraph 28 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

29. Answering paragraph 29 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

30. Answering paragraph 30 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

31. Answering paragraph 31 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

32. Answering paragraph 32 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

**Facial recognition algorithms are racially biased.**

33. Answering paragraph 33 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

34. Answering paragraph 34 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

35. Answering paragraph 35 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

36. Answering paragraph 36 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

37. Answering paragraph 37 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

38. Answering paragraph 38 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

39. Answering paragraph 39 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

**Cities across the country are banning the use of facial recognition systems in policing.**

40. Answering paragraph 40 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.



41. Answering paragraph 41 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

43.[sic] Answering paragraph 43 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

**FACTUAL ALLEGATIONS REGARDING MR. OLIVER'S  
FALSE ARREST**

**The Larceny Incident**

44. Answering paragraph 44 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

45. Answering paragraph 45 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

46. Answering paragraph 46 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

47. Answering paragraph 47 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

48. Answering paragraph 48 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

49. Answering paragraph 49 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

50. Answering paragraph 50 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

51. Answering paragraph 51 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

52. Answering paragraph 52 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

53. Answering paragraph 53 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

54. Answering paragraph 54 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

55. Answering paragraph 55 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

56. Answering paragraph 56 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

57. Answering paragraph 57 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

58. Answering paragraph 58 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

59. Answering paragraph 59 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

60. Answering paragraph 60 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

**Defendant Bussa's investigation impermissibly relied on facial recognition technology**

61. Answering paragraph 61 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

62. Answering paragraph 62 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

63. Answering paragraph 63 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

64. Answering paragraph 64 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

65. Answering paragraph 65 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

66. Answering paragraph 66 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

67. Answering paragraph 67 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

68. Answering paragraph 68 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

69. Answering paragraph 69 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged

70. Answering paragraph 70 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

71. Answering paragraph 71 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

**Defendant Bussa was operating without any express DPD Facial recognition policy since none had been developed**

72. Answering paragraph 72 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

73. Answering paragraph 73 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

74. Answering paragraph 74 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

**Defendant Bussa produces misleading request for warrant**

75. Answering paragraph 75 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

76. Answering paragraph 76 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

77. Answering paragraph 77 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

78. Answering paragraph 78 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

79. Answering paragraph 79 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

80. Answering paragraph 80 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

81. Answering paragraph 81 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

82. Answering paragraph 82 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

83. Answering paragraph 83 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

84. Answering paragraph 84 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

85. Answering paragraph 85 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

86. Answering paragraph 86 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.



87. Answering paragraph 87 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

88. Answering paragraph 88 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

89. Answering paragraph 89 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

90. Answering paragraph 90 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

91. Answering paragraph 91 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

**What Happened to Michael Oliver Happened to Robert Williams**

92. Answering paragraph 92 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

93. Answering paragraph 93 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

**Consequences of Wrongful Arrest and Incarceration**

94. Answering paragraph 94 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

95. Answering paragraph 95 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

**DPD institutes a written policy after Mr. Oliver's arrest**

96. Answering paragraph 96 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

97. Answering paragraph 97 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

98. Answering paragraph 98 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

99. Answering paragraph 99 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

100. Answering paragraph 100 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

101. Answering paragraph 101 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

### **CAUSES OF ACTION**

102. Answering paragraph 102 of plaintiff's complaint, defendants incorporate their preceding responses.

### **COUNT I** **FALSE ARREST AND IMPRISONMENT IN VIOLATION OF THE** **FOURTH AMENDMENT AND 42 USC §1983 (DEFENDANT BUSSA)**

103. Answering paragraph 103 of plaintiff's complaint, defendants admit same.

104. Answering paragraph 104 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

105. Answering paragraph 105 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

106. Answering paragraph 106 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

107. Answering paragraph 107 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

108. Answering paragraph 108 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

**Count II**  
**MONELL LIABILITY FOR FALSE ARREST AND IMPRISONMENT IN**  
**VIOLATION OF THE FOURTH AMENDMENT AND 42 USC §1983**  
**(DEFENDANT CITY OF DETROIT)**

109. Answering paragraph 109 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

110. Answering paragraph 110 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

111. Answering paragraph 111 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

112. Answering paragraph 112 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged. Defendants deny that Chief Craig is a defendant in this case.

113. Answering paragraph 113 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

114. Answering paragraph 114 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

115. Answering paragraph 115 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

116. Answering paragraph 116 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged. Defendants deny that Chief Craig is a defendant in this case.

117. Answering paragraph 117 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

118. Answering paragraph 118 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

119. Answering paragraph 119 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

120. Answering paragraph 120 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

**Count III**  
**MALICIOUS PROSECUTION UNDER 42 USC §1983**

121. Answering paragraph 121 of plaintiff's complaint, defendants incorporate their preceding responses.

122. Answering paragraph 122 of plaintiff's complaint, defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph, and therefore deny the allegations.

123. Answering paragraph 123 of plaintiff's complaint, including all subparagraphs, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

124. Answering paragraph 124 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

125. Answering paragraph 125 of plaintiff's complaint, defendants deny the allegations contained therein for the reason that they are untrue in the manner and form alleged.

**WHEREFORE**, Defendant requests that this Honorable Court dismiss Plaintiff's complaint with prejudice, and award Defendant costs and attorney fees wrongfully incurred.

Respectfully submitted,

/s/ Patrick M. Cunningham  
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DATED: July 20, 2021



### **AFFIRMATIVE DEFENSES**

1. Governmental immunity and or qualified immunity and or testimonial immunity render defendants immune to plaintiff's claims.
2. Defendants did not violate any of Plaintiff's clearly established constitutional rights.
3. Defendants acted in good faith, without malice, within the scope of their employment and were performing a discretionary function. As such, defendants are entitled to qualified immunity and are immune to all state intentional torts.
4. Plaintiff has failed to state a claim upon which relief can be granted.
5. Any injury suffered by plaintiff was proximately caused by their own conduct and/or the conduct of third parties.
6. Any injury suffered by plaintiff was proximately caused by their own wrongdoing, including serious wrongdoing that gives rise to the wrongful conduct defense.
7. Plaintiff failed to mitigate their damages.
8. Plaintiff's claims are barred, in whole or in part, by the lapsing of the applicable statute(s) of limitation.
9. To the extent, if any, that defendants, or anyone acting at the direction of or in concert with defendants, used force against plaintiff, each such use of force

was privileged and lawful because the force was reasonably applied in the execution of a lawful arrest, in the lawful performance of other police duties, with the plaintiff's consent, in self-defense, or in the defense of others.

10. At all relevant times, defendants acted with objective good faith and therefore have qualified immunity from liability on plaintiff's claims.

11. The arrest, seizure and/or imprisonment of plaintiff was supported by probable cause, exigent circumstances and/or a valid warrant.

12. Plaintiff has failed to join every legal and equitable claim arising from the incident central to the lawsuit.

13. Detention and/or search of plaintiff's person or property or entry onto or into Plaintiff's property, if any, was based on a valid search/arrest warrant and/or probable cause to believe a crime had been committed and/or reasonable suspicion that a crime had been committed. Search of plaintiff's person or property may have also been based on consent, exigent circumstances or hot pursuit. Any detention and/or search was reasonable to investigate whether a crime had been committed and/or to complete necessary administrative processing. Any custodial searches were also protective for officer safety and search incident to arrest/ticketing.

14. The federal right supporting plaintiff's claim is not sufficiently clear. Thus, defendants did not know they would violate an individual's rights. *Anderson v. Creighton*, 483 US 635; 97 L.Ed.2d 523; 107 S.Ct. 3034 (1987).
15. Plaintiff suffered no damages, or their damages are *de minimis*.
16. Plaintiff's claims are barred by *Heck v Humphrey*, 512 U.S. 477, at 486-487, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994).
17. Plaintiff's claims are barred by collateral estoppel and res judicata.
18. The City of Detroit or Detroit Police Department did not have or otherwise adopt any customs, policies and/or procedures which caused or otherwise were the moving force behind any constitutional violations alleged in Plaintiff's complaint, nor did any such alleged customs, policies and/or procedures originate from a decision maker with final policy making authority. Further, Defendants did not ratify, accept and/or otherwise condone any constitutional violations alleged in Plaintiff's complaint. Finally, Defendants did not act with deliberate indifference as to known or obvious consequences with respect to the activities alleged in Plaintiff's complaint and/or as to any constitutional violations, nor is there any widespread practice of constitutional violations and/or failure to take corrective action regarding the same with regard to discipline, supervision, or training.

Respectfully submitted,

/s/ Patrick M. Cunningham  
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DATED: July 20, 2021

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 20, 2021, I electronically filed the foregoing with the clerk of the Court using the ECF system which will send notification and a copy of this filing to the attorneys of record.

/s/ Patrick M. Cunningham